

REMARKS

Upon entry of the foregoing Amendment, claims 1-14, 16 and 17 are pending in the application. Claims 1, 13, 16, and 17 have been amended. Claims 15 and 18, previously withdrawn, are hereby cancelled without prejudice or disclaimer. No claims have been added. Applicants believe that this Amendment does not add new matter. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims under examination is requested.

Examiner Interview

Applicants thank the Examiner for conducting the telephonic Examiner Interviews with Applicants' representative that took place on June 6, 2006 ("the 6/6/2006 Examiner Interview") and July 18, 2006 ("the 7/18/2006 Examiner Interview"). During the 7/18/2006 Examiner Interview, Applicants' representative discussed claims 1, 13, 16, and 17 in light of the rejections as set forth below in further detail.

Rejection Under 35 U.S.C. § 103 Based on Mayton and Garg

The Examiner has rejected claims 1, 13, 16, and 17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,763,380 to Mayton *et al.* ("Mayton") in view of U.S. Patent No. 6,327,677 to Garg *et al.* ("Garg"). Applicants traverse this rejection because the references relied upon by the Examiner, either alone or in combination with one another, do not teach or suggest all the features of the claimed invention prior to the Amendment.

Nonetheless, for no other purpose other than to expedite prosecution of this matter, Applicants have amended claim 1 to further include:

wherein the measure of the amount of time during which the monitored variable exceeded the threshold during the sliding window in time includes an aggregation of two or more noncontiguous time intervals during which the monitored variable exceeded the threshold during the sliding window in time.

Likewise, for no other purpose other than to expedite prosecution of this matter, Applicants have amended claim 13 to further include:

wherein the measure of the amount of time during which at least one of the one or more alarm tests has been met during the preselected prior window of time includes an aggregation of two or more noncontiguous time intervals during which at least one of the one or more alarm tests has been met during a preselected prior window of time.

Likewise, for no other purpose other than to expedite prosecution of this matter, Applicants have amended claim 16 to further include:

wherein the measure of the amount of time during which the monitored variable exceeded the threshold during the sliding window in time includes an aggregation of two or more noncontiguous time intervals during which the monitored variable exceeded the threshold during the sliding window in time.

Likewise, for no other purpose other than to expedite prosecution of this matter, Applicants have amended claim 17 to further include:

wherein the measure of the amount of time during which any one or more of the alarm tests has been met during the preselected prior window of time includes an aggregation of two or more noncontiguous time intervals during which any one or more of the alarm tests has been met during the preselected prior window of time.

As acknowledged by the Examiner in the 7/18/2006 Examiner Interview, Mayton and Garg, alone or in combination, do not teach or suggest at least these features of the claimed invention. Accordingly, the rejection of claims 1, 13, 16, and 17 based on Mayton and Garg must be withdrawn.

Rejections Under 35 U.S.C. § 103 Based on Mayton, Garg, and Northcott

The Examiner has rejected claims 2-4 and 14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mayton in view of Garg, and in further view of U.S. Patent No. 6,098,195 to Northcott ("Northcott"). Applicants traverse this rejection because the references relied upon by the Examiner, either alone or in combination with one another, do not teach or suggest all the features of the claimed invention.

More particularly, claims 2-4, and 14 depend from a corresponding one of claims 1 and 13. Therefore, because Northcott fails to address the deficiencies of Mayton and Garg discussed above, the rejection of claims 2-4 and 14 based on Mayton, Garg, and

Northcott must be withdrawn based on their dependency as well as for the features that they recite individually.

Rejections Under 35 U.S.C. § 103 Based on Mayton, Garg, and Chandra

The Examiner has rejected claims 5-12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mayton in view of Garg, and in further view of U.S. Patent No. 6,327,677 to Chandra *et al.* ("Chandra"). Applicants traverse this rejection because the references relied upon by the Examiner, either alone or in combination with one another, do not teach or suggest all the features of the claimed invention.

More particularly, Chandra fails to address the deficiencies of Mayton and Garg discussed above. Because claims 5-12 depend from claim 1, the rejection of claims 5-12 based on Mayton, Garg, and Northcott must be withdrawn based on their dependency as well as for the features that they recite individually.

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: **August 9, 2006**

Respectfully submitted,

By: 

Rick A. Toering
Registration No. 43,195

Customer No. 00909

PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O. Box 10500
McLean, Virginia 22102
Main: 703-770-7900
Direct Dial: 703-770-7620
Fax: 703-770-7901